

Exhibit 1

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UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

IMPOSSIBLE FOODS INC.,)	Case No. 5:21-cv-02419-BLF
)	(SVK)
Plaintiff,)	
)	Judge: Hon. Beth Labson Freeman
v.)	
)	
IMPOSSIBLE LLC,)	
)	
Defendant.)	
)	
)	
)	

**DEFENDANT IMPOSSIBLE LLC’S FIRST SET OF INTERROGATORIES TO
 PLAINTIFF IMPOSSIBLE FOODS INC.**

Pursuant to Fed. R. Civ. P. Rules 26 and 33, Defendant Impossible LLC (“Defendant”) hereby requests that Plaintiff Impossible Foods Inc. (“Plaintiff”) respond to these Interrogatories within the time as prescribed by the Federal Rules of Civil Procedure.

DEFINITIONS

1 The following Interrogatories and Defendant's accompanying First Request for Production
2 of Documents and Things are subject to the definitions set forth below:

3 A. The terms "Plaintiff," "you," and "your" shall mean, unless otherwise expressly
4 indicated by the particular context, the named Plaintiff, Impossible Foods Inc., as well as shall
5 include collectively and severally, each affiliated or related corporation, partnership, or joint
6 venture of Impossible Foods Inc. (including all predecessors and successors to the property that
7 is the subject matter of this litigation), any representative, agent, or person acting or purporting
8 to act on behalf of each such person or entity, and, where appropriate, the officers, agents,
9 employees, servants, representatives, and attorneys of any one or more of them. Without limiting
10 the generality of the foregoing, the term "Plaintiff" shall also include licensees of Plaintiff and/or
11 the other persons described above.
12

13 B. The term "Plaintiff's Marks" shall mean all marks used by Plaintiff that include the
14 term "impossible," including the IMPOSSIBLE standard character mark, the IMPOSSIBLE
15 FOODS standard character mark, and all marks reflected in U.S. Reg. Nos. 5370337, 5381475,
16 5381635, 5459255, 6120723, 6120724, 6120725, 6211591, 6405011, 6496345, 6496346,
17 6725576, 6725577, 6897144, 6926398, 6943349, 6943438, 6950050, 6950051, 6950052,
18 6969275, 6969276, 6986665, 7046323, 7095042, 7107641, 7107777, 7111733, 7114972,
19 7179385, 7226606, 7226607, 7249915, and 7249916, and U.S. App. Ser. Nos. 98200630,
20 97915811, 90709175, 90709191, 98342580, 90726622, 98028581, 98028597, 97915805,
21 97915809, 97915812, 88855875, 98042164, and 97038094.
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23 C. The term "Defendant" shall mean, unless otherwise expressly indicated by the
24 particular context, the named Defendant, Impossible LLC.
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26 D. The "Defendant's Marks" shall mean Defendant's common law rights in the
27 IMPOSSIBLE family of marks, as well as the marks reflected in U.S. Registration Nos. 4260617,
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1 4624158, 5155646, 5179974, 5376208, 5387588, 5576376, 5590801, 5603025, and 5620625, and
2 6571603.

3 E. The term “Present Litigation” or “this Litigation” shall mean the above-captioned
4 litigation.

5 F. The term “communication” shall mean the transmittal of information in the form of
6 facts, ideas, inquiries, or otherwise.

7 G. The term “date” shall mean the exact day, month, and year, if ascertainable, or if
8 not, the best approximation, including the relationship to other events.

9 H. The term “document” is synonymous in meaning and equal in scope to the usage
10 of this term and the term “tangible thing” in the Federal Rules of Civil Procedure. Each comment,
11 or addition to, or deletion from, a document shall constitute a separate document within the
12 meaning of this term. Without limiting the generality of the foregoing, the term “document” shall
13 also include any and all means of conveying, storing, or memorializing information, whether in
14 paper or other tangible physical form, or in electronic form, in the possession, custody, or control
15 of Plaintiff, including, without limitation, computer e-mail.

16 I. Unless otherwise indicated, the term “identify”:

- 17
- 18 1. When used in connection with documents, means to indicate (i) the type
19 of document; (ii) general subject matter; (iii) date of the document; and
20 (iv) author, addressee, and recipient.
 - 21 2. When used in connection with things, including, but not limited to, goods
22 or physical things, means to furnish a complete description of the thing,
23 including its common designation, its composition, its physical
24 description, and any other distinguishing characteristics.
 - 25 3. When used in connection with natural persons, means to give the person’s
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27
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1 full name, present or last known address, and present or last known place of
2 employment (including address and telephone number thereof).

3 4. When used in connection with business entities, means to provide the full
4 name, principal place of business, state of incorporation or registration (if
5 applicable), offices, and manufacturing facilities.

6
7 J. The term “person” shall include, without limitation, individuals, associations,
8 companies, divisions, corporations, partnerships, and any business entities, whether formal or
9 informal.

10 K. As used herein, the term “regarding” means relating or referring to, incorporating,
11 comprising, touching upon, indicating, evidencing, affirming, denying, concerned with, relevant
12 to, or likely to lead to admissible evidence concerning.

13
14 L. The term “third party” shall include, without limitation, manufacturers, distributors,
15 importers, merchants, retailers, wholesalers, website owners and operators, and ultimate
16 purchasers but shall not include Defendant or Plaintiff.

17 M. The terms “and” as well as “or” should be construed either disjunctively or
18 conjunctively as necessary to bring within the scope of the request any information and documents
19 which might otherwise be construed to be outside its scope. Wherever appropriate herein, the
20 singular form of a word should be interpreted in the plural, and the plural should be interpreted in
21 the singular as necessary to bring within the scope of a request any information and documents
22 which might otherwise be construed to be outside its scope.

23
24 **INSTRUCTIONS**

25 1. Where an interrogatory answer differs as between different types of goods or
26 services, the answer shall set forth such different information as is applicable to each of the
27 different types of goods or services.
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2. Where an interrogatory answer differs as between different types of use of the mark (e.g., first use as a service mark and first use as a trademark), the answer shall set forth such different information as is applicable to each of the different types of use.

3. Where an interrogatory answer differs as between different persons and entities falling within the scope of the term "Plaintiff" (e.g., the alleged first use of the mark by the named Plaintiff and the first use of the mark by a licensee or related corporate entity of the named Plaintiff), the answer shall set forth such different information as is applicable to each of the different persons and or entities.

4. For each document or tangible thing otherwise responsive to any interrogatory or document request which has been lost or destroyed since its preparation or receipt, state (i) the request to which it would be responsive; (ii) the circumstances whereby the document or tangible thing was lost or destroyed; and (iii) the identity of all persons having knowledge of such loss or destruction.

5. If Plaintiff refuses to identify and/or produce any document(s) based upon a claim of privilege or work product immunity, Plaintiff shall, in log form, (i) identify each document by its author, intended recipient(s), the date of the document, and its general subject matter, and (ii) set forth for each withheld document the particular basis for the refusal of production.

6. If Plaintiff elects to produce documents or other tangible things responsive to any interrogatory, Plaintiff must state the particular bates number or range or other specific numerical identifier for the particular documents or other tangible things responsive to each specific interrogatory as required by Fed. R. Civ. P. 33(d).

7. These interrogatories shall be deemed continuing in accordance with Fed. R. Civ. P. 26(e).

INTERROGATORIES**INTERROGATORY NO. 1:**

Identify each person or agent answering or assisting in the answering of these Interrogatories, Defendant's First Set of Requests for Production of Documents and Things, and/or Defendant's First Set of Requests for Admission, and the duties performed by such person or agent at all times referred to herein.

INTERROGATORY NO. 2:

Describe Plaintiff's decision to adopt Plaintiff's Marks, including without limitation the reasons Plaintiff chose to cease use of its original trade name "Maraxi" or "Maraxi, Inc." and the date on which that decision occurred, the process for selecting a new trade name and trademark and the date on which that process began, the reasons for selecting IMPOSSIBLE and the date on which it was selected, any alternative marks or forms considered, and all persons with knowledge thereof.

INTERROGATORY NO. 3:

Describe Plaintiff's decision to adopt the following stylization of Plaintiff's Marks (image taken from Plaintiff's website at buy.impossiblefoods.com on March 2, 2021), including without limitation identifying the date on which this stylization was first proposed and the reasons it was proposed, the date on which this stylization was selected and the reasons for its selection, and all persons with knowledge thereof.

The word "IMPOSSIBLE" is displayed in a large, bold, black, sans-serif font. The letters are closely spaced and the overall appearance is that of a trademark or logo.**INTERROGATORY NO. 4:**

Identify all searches of any type conducted by or on behalf of Plaintiff in connection with its decision to adopt Plaintiff's Marks, all persons with knowledge thereof, and the Bates Numbers

(from Plaintiff's document production) of any documents referencing or reflecting such searches.

INTERROGATORY NO. 5:

For each good or service with which Plaintiff has used, is using, or intends to use Plaintiff's Marks, describe the first use(s) or expected date of first use in commerce of each of Plaintiff's Marks in association with each of those goods and services, including without limitation the date(s) of first use or expected first use, where and how the mark was used or will be used in commerce in connection with each good or service, and Plaintiff's person most knowledgeable of such facts.

INTERROGATORY NO. 6:

For each good or service with which Plaintiff has used, is using, or intends to use Plaintiff's Marks, identify any efforts to market or promote such good or service in connection with Plaintiff's Marks, including the type of marketing or advertising, the targeted audience for such marketing or advertising, the amount spent on such marketing or advertising, and Plaintiff's person most knowledgeable of such facts.

INTERROGATORY NO. 7:

Describe how Plaintiff learned of Defendant and/or Defendant's Marks, including identifying the date on which Plaintiff learned of Defendant and/or Defendant's Marks, the circumstances surrounding the discovery, the person(s) who brought Defendant and/or Defendant's Marks to Plaintiff's attention, and all persons with knowledge of any such facts.

INTERROGATORY NO. 8:

Identify each reported instance anywhere of actual confusion, mistake, or deception known to Plaintiff between Plaintiff, Plaintiff's Marks, or Plaintiff's goods or services on the one hand, and Defendant, Defendant's Marks, or Defendant's goods and services on the other hand, and Plaintiff's person most knowledgeable about each such instance.

INTERROGATORY NO. 9:

Explain the factual and legal bases for your claim that “[t]o the extent Defendant used an IMPOSSIBLE mark in connection with recipes, food ingredients, or cooking information prior to 2016, that use was sporadic and de minimis, at best, and not the required bona fide use in commerce, and not trademark use,” as alleged in Plaintiff’s Amended Complaint ¶ 24.

Respectfully submitted,

Date: March 12, 2024

By: /s/ David E. Weslow

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PROOF OF SERVICE

I certify that the foregoing document was served on today's date by US Mail to Plaintiff's counsel to the following addresses, with courtesy copy by email:

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DATED: March 12, 2024

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